IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Second Appeal No. 40 of 2006

Islam Pal S/o Shri Santu
R/o Village Khedi Mubarikpur
Tehsil Laksar
District Haridwar .....Appellant

Vs

1. Smt. Tarawati W/o Sri Jagpal Singh
   R/o Village Khedi Mubarikpur
   Tehsil Laksar, District Haridwar
2. Suresh
3. Ramesh
4. Ompal
5. Karamveer
   All 2 to 5 S/o Shri Mehru
   R/o Village Khedi Mubarikpur
   Tehsil Laksar
   District Haridwar ..... Respondent

Sri M.S. Tyagi, learned Counsel for the appellant
Sri Rajendra Dobhal, learned counsel for the respondents

Hon'ble B.C. Kandpal

This second appeal has been preferred by the appellant against the judgment and decree dated 05.04.2006 passed by Additional District Judge/IVth Fast Track Court, District Haridwar in Civil Appeal No. 88 of 2001 arising out of the judgment and decree dated 09.10.2001 passed by Civil Judge (Senior Division), Haridwar in Original Suit No. 346 of 1997.

2. Brief facts of the case are that the plaintiff/respondents filed a suit for permanent injunction before the Civil Judge (Senior Division), Haridwar who decreed the suit in favour of the plaintiff/respondents vide judgment and decree dated 09.10.2001.

3. Feeling aggrieved by the aforesaid judgment and decree, the defendant/appellant preferred an appeal before the

appellate court which was dismissed vide judgment and decree dated 05.04.2006.

4. Feeling aggrieved by the aforesaid judgments and decree, the appellant/defendant preferred an appeal before this Court.

5. Heard Sri M.S. Tyagi, learned counsel for the appellant, Sri Rajendra Dobhal, learned counsel for the respondents and perused the record.

6. Having considered the arguments advanced by the learned counsel for the parties and after perusing the entire evidence on record, I am of the view that, this second appeal is concluded by concurrent finding of facts, I, therefore, do not find any ground to interfere in the impugned judgments and orders passed by the courts below. Both the courts below have recorded concurrent finding of fact, which cannot be interfered at the stage of second appeal. I also do not find any substantial question of law involved in this case.

7. The second appeal lacks merit and is liable to be dismissed.

8. Accordingly, the second appeal is dismissed in-limine.

(B.C. Kandpal, J.)

04.12.2006
ASWAL